



COPY PAPERS
ORIGINALLY FILED

PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

April 8, 2002

Applicant(s): Steven J. CARPENTER

For: VIBRATORY FINISHER WITH BLASTING NOZZLE

Serial No.: 10/053 236 Group: Unknown

Confirmation No.: 8294

Filed: November 9, 2001 Examiner: Unknown

International Application No.: N/A

International Filing Date: N/A

Atty. Docket No.: Roto-Finish Case 56A

Assistant Commissioner for Patents
Washington, DC 20231

Refund Ref:
08/13/2002 RUELLEY 0000119733

PETITION UNDER 37 CFR 1.17(h)

CHECK Refund Total: \$130.00

This Petition is submitted in response to the "Notice to File Missing Parts of Nonprovisional Application" mailed March 14, 2002.

In the aforementioned Notice, the PTO has asserted that pages 4, 10, 20 and 39 of the specification (description and claims) and Figures 3, 5, 6, 7, 8 and 12 described in the specification have been omitted from the application as filed. This assertion of omission of specification pages and drawing figures, as summarized above, is believed erroneous and hence withdrawal of this objection is respectfully requested.

Initially, submitted herewith are specification pages 4, 10, 20 and 39 (which pages relate to description and claims), and four sheets of drawings which contain thereon Figures 3, 5, 6, 7, 8 and 12. It is respectfully requested that these specification pages and drawing sheets be added to the application papers currently in the PTO file so as to provide the PTO with a complete copy of the application as originally filed.

In addition, the Patent Office is requested to formally grant to this application, including both the originally filed papers already in the Patent Office file as well as those copies submitted herewith, an official filing date of November

04/18/2002 H00000036 10053236

04 FC:122

130.00 OP

Ed instant dated 08/13/2002 RUELLEY
04/18/2002 H00000036 10053236
04 FC:122
-130.00 OP

9, 2001, the latter being the date on which this application was submitted to the Patent Office via U.S.A. Express Mail.

In support of this request, the undersigned submits the following evidence:

1. Attached Exhibit A is a photocopy of the signed Express Mailing Certificate which was signed by Ms. Gina Schipper and which states that this application was mailed to the Patent Office via deposit with United States Postal Service Express Mail on November 9, 2001.

2. Attached Exhibit B is a photocopy of the application transmittal (3 pages) which accompanied the Express Mail Certificate of Exhibit A, and which identifies the fact that this transmittal was signed by the undersigned and evidences the application which was being filed in the Patent Office via Express Mail, and which more specifically evidences the documents which defined the application, as explained in greater detail below.

3. The Application Transmittal of Exhibit B clearly states on page 2 thereof that the application being transmitted included "9 Drawing Sheets" of "Formal" drawings. These nine sheets contain thereon Figures 1-12 and hence included therein the four sheets which the Patent Office now asserts were omitted.

4. Attached Exhibit C is a photocopy of the return post card submitted to the Patent Office with the Express Mail filing of the application, which post card was stamped by the Patent Office and returned to the undersigned. This post card on the face thereof states "Pages of: Specification 29, Claims 10", thus pointing out that a total of 39 pages were filed as the application. The post card further states "Sheets of Drawings: 9", again evidencing filing of all of Figures 1-12.

5. I personally reviewed the collection of documents which made up the application as filed via Express Mail on November 9, 2001, and it is my recollection and belief that the application as submitted to the Patent Office included all of specification pages 1-40 (29 specification pages, 10 claims pages, and one abstract page), and additionally included nine

sheets of drawings containing thereon Figures 1-12. It is my personal practice, when filing any new patent application in the Patent Office, to check the application to ensure that all pages and drawing sheets are present, prior to signing the application transmittal, and I am of the firm belief that all of the pages for this application were present at the time the application was assembled and deposited in Express Mail addressed to the Patent Office.

6. In addition to my checking of the application, it should be noted that the application is assembled by my secretary, Jill Pinkerton, whose initials "jp" appear on page 3 of the transmittal, and it is her responsibility to ensure that all pages of the application and related drawing sheets are fully assembled along with the transmittal prior to the document being forwarded to me for review and signature.

7. Still further, after the document has been reviewed and signed by me, my secretary is responsible for making photocopies of the signature pages, and then the assembled application papers are again returned to me for final checking prior to my then transporting the application to the outgoing mail station.

8. After the undersigned deposits the assembled and signed application at the outgoing mail station, it is thereafter handled by the outgoing mail clerk who is responsible for checking to ensure that all of the documents are present and properly assembled, and who is also responsible for proper packaging of the mail for postal handling. The mail clerk is also responsible for entry of the mail into an outgoing mail log which identifies therein all outgoing Patent Office documents.

9. The outgoing mail clerk on November 9, 2001 was Gina Schipper, whose name appears on the Express Mail Certificate (Exhibit A) and who on that particular day was responsible for checking the assembled application to ensure that all parts thereof were complete and accurate, and was thereafter responsible for packaging for Express Mail purposes and for delivery thereof to the Post Office.

10. A separate Declaration signed by Ms. Gina Schipper is attached so as to evidence that she did handle the checking, packaging and mailing of the above application, and that based on her recollection and belief the application as handled by her and as forwarded via Express Mail to the Patent Office did include all of the identified sheets and drawings.

It accordingly is believed that the information as identified above clearly evidences that the application which was filed in the Patent Office via Express Mail on November 9, 2001 included therein pages 1-40 (description 29 pages, claims 10 pages, abstract 1 page) and additionally included nine drawing sheets containing thereon Figures 1-12. The Patent Office is thus requested to formally grant to this application, including therein the substitute pages and drawings as submitted herewith, a filing date of November 9, 2001.

Respectfully submitted,


Dale H. Thiel

DHT/jp

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1699
Phone: (616) 381-1156
Fax: (616) 381-5465

Dale H. Thiel
David G. Boutell
Ronald J. Tanis
Terryence F. Chapman
Mark L. Maki
David S. Goldenberg
Sidney B. Williams, Jr.
Liane L. Churney
Brian R. Tumm
Tricia R. Cobb

Reg. No. 24 323
Reg. No. 25 072
Reg. No. 22 724
Reg. No. 32 549
Reg. No. 36 589
Reg. No. 31 257
Reg. No. 24 949
Reg. No. 40 694
Reg. No. 36 328
Reg. No. 44 621

Encl: Specification pages 4, 10, 20 and 39
Drawing Figures 3, 5, 6, 7, 8 and 12
Exhibit A
Exhibit B
Exhibit C
Declaration of Gina Schipper

136.0112